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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,749

02/26/2004

Jyhchain Lin

6114

25859

7590

02/14/2006

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

EXAMINER

NGHIEM, MICHAEL P

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,749

Applicant(s)

LIN, JYHCHAIN

Examiner

Michael P. Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed on December 12, 2005 has been acknowledged.

Withdrawal of Allowability

The indicated allowability of claims 6 and 9 is withdrawn in view of the new grounds of rejection as follow.

Claim Objections

Claim 1 is objected to because of the following informalities: "an area of each dot in the unit area is equal" should be – each area of dots in each of the unit area is equal --.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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The values or parameters (e.g. area density) haven't been stored, displayed, or used in any tangible manner, merely calculated. Therefore, it raises a question as to what the tangible result of the process is.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Love (US 6,757,424).

Regarding claims 1 and 12, Love discloses a measuring method (column 8, lines 5-17) for dots of a pattern distributed on a light guide plate (display panel, column 8, line 42), comprising the steps of:

- defining an x-y coordinate system (column 8, line 48) according to the dots (column 8, lines 45-46);
- selecting a unit area in the coordinate system (selecting any inch area);

- accounting area of the dots in the unit area (inch area);
- calculating an area density of the dots (e.g. 600 dpi);
- wherein a quantity of the dots in each unit area is invariable, and each area of dots in each of the unit area is equal (600 dpi).

Regarding claim 2, Love discloses that the dots are distributed in rows and columns (dots arranged in X-Y axis).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Love in view of Rylander (US 5,258,832).

Love discloses all the claimed limitations as discussed above except:

- Regarding claims 3 and 5, the dots are arranged at same intervals in rows and columns, respectively.
- Regarding claim 4, the dots are shaped as circle.

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- Regarding claim 7, the dots are shaped as circle.

Nevertheless, Rylander discloses that dots are arranged at same intervals in rows and columns, respectively (Fig. 6c), the dots are either shaped as circle (Fig. 6c), foursquare (Fig. 9g), elliptic (Fig. 9d), or rectangular (Fig. 5d) for the purpose of displaying dot patterns (column 6, line 13).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Love with the dot arrangements as disclosed by Rylander for the purpose of displaying dot patterns.

Response to Arguments

Applicant's arguments filed on December 12, 2005 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that Love neither teaches nor suggests that the method thereof could be extended to measure area density of the dots of a pattern distributed on a light guide plate.

Examiner's position is that Love discloses a measuring method for dots of a pattern distributed on a light guide plate (display panel, column 8, line 42). It is further noted

that the recitation the light guide plate has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicants further argue that modifying the X-Y-Z system would surely represent a change in the principle of operation of Love.

Examiner's position is that modification of the X-Y-Z system of Love is unnecessary because the X-Y-Z system inherently comprises the X-Y system (column 8, line 48).

Applicants further argue that "600 dpi" has nothing to do with the area density of dots.

Examiner's position is that "600 dpi" identifies the number of dots per inch, which can be construed as the area density of dots.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL NGHIEM
PRIMARY EXAMINER**

Michael Nghiem

February 10, 2006